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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,145	07/03/2003	Arthur J. Redfern	TI-34860	6851

23494	7590	11/23/2007
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EXAMINER
WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
11/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com
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Office Action Summary

Application No.

10/613,145

Applicant(s)

REDFERN, ARTHUR J.

Examiner

Lawrence B. Williams

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 1, 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on 13 February 2007. These drawings are accepted by the examiner.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, 4, and 5 all recite, “changing $P(k)$ to the minimum of $P(k)$ and $P_{\max} - PCB$ where P_{\max} is the maximum of the $P(k)$ and PCB is a power cutback level in terms of dB”. This specification does not provide clear support or antecedent basis for this phrase. The examiner suggests applicant amend the specification to provide clear support or antecedent basis for the terms used in the claims.

Claim Objections

3. Claims 1, 4-5 are objected to because of the following informalities: The examiner suggests applicant replace the “dBm|Hz” with “dBm/Hz”.

Appropriate correction is required.

4. Claim 5 is objected to because of the following informalities: The examiner suggests applicant replace the word “configured” in line 2 with “configure”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Art Unit: 2611

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of claim 1 recites a method of “**transmit power adjustment**” in a multitone communication system. However, the body of the claim merely recites a step, but makes no mention as this step is related to “transmit power adjustment”. The claim as presented does not offer a clear measure of what applicant regards as the invention. The examiner suggests applicant rewrite the claim to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-3 are rejected based upon their dependency upon rejected claim 1.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble of claim 5 recites, “a **program**” stored on a tangible medium”. The claim as presented seeks protection for a judicial exception to 35 U.S.C. 101, i.e., a mathematical algorithm/computer program. The examiner suggests, “A computer readable medium storing instructions....

Allowable Subject Matter

9. Claims 1-3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and claim objections set forth in this Office action.
10. Claim 4 would be allowable if rewritten or amended to overcome the claim objection set forth in this office action.
11. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a.) Cherubini discloses in 2003/0152141 A1 Data Communications.
 - b.) Graziano et al. discloses in US 2003/0101206 A1 Method and System For Estimating A Base-2 Logarithm of a Number.
 - c.) Graziano et al. discloses in US 2003/0099286 A1 Method and System For Shaping Transmitter Power Spectral Density According To Line Conditions.
 - d.) Ginis et al. discloses in US 2003/0086514 A1 Dynamic Digital Communication System Control.
 - e.) Freidman discloses in US 2002/0163974 A1 Equalized SNR Power Back-Off.
 - f.) Graziano et al. discloses in US 7,113,491 B2 Method and System for Varying an Echo Canceller Filter Length Based on Data Rate.

Art Unit: 2611

g.) Heidari et al. discloses in US Patent 6,718,019 B1 Method and Apparatus For Wireline Characterization.

h.) Tate et al. discloses in US Patent 6,650,697 B1 Wireline Communication System and Method of Frequency Allocation Therein.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

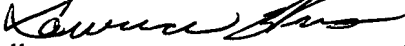
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ghayour Mohammad can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams



lbw

November 10, 2007



MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER